

Chapter 32: RULES RELATING TO GAMES OF CHANCE

SUMMARY: This chapter describes all requirements that must be met in order to register or be licensed to operate games of chance. This chapter also details requirements for equipment and associated materials used in games of chance.

§1 Definitions. As used in this chapter, the following terms have the following meanings:

1. **Director** “Director” has the same meaning as set forth in 17 M.R.S. §1831
2. **Eligible Organization** “Eligible Organization” has the same meaning as set forth in 17 M.R.S. §1832 (2).
3. **Equipment.** "Equipment" means any and all articles essential to the operation and conduct of a Game of Chance.
4. **Gambling Control Unit** “Gambling Control Unit” or “unit” has the same meaning as set forth in 17 M.R.S. §1831
5. **Game Promotion.** “Game promotion” includes, but is not limited to, any game, contest, sweepstakes, advertising scheme or plan, device, or promotion:
 - a) That is conducted in connection with the promotion of products or services;
 - b) In which a person may enter to win or become eligible to receive a prize with or without payment of something of value; and
 - c) Where the determination of a winner is based upon chance.

For the purpose of section 5, “operator” means any person, firm, corporation or association, or agent or employee thereof, who promotes, operates, or conducts a game promotion.

6. **Lucky seven or similar sealed ticket game.** “Lucky seven or similar sealed ticket game” means a game consisting of tickets or cards with preprinted symbols, numbers, or other figures that are hidden by an opaque removable material. Each ticket or card represents a chance to win a specific single prize or specific single set of prizes. A winning ticket or card contains a predetermined winning configuration of symbols, numbers, or other figures.

§ 2

License and Registration Applications

1. An applicant for a license, or as applicable, a registration to conduct or operate a game of chance shall apply on forms specified by the Unit. In addition to any information required by statute, application forms must be received by hand delivery or regular mail at least 10 business days prior to the first date desired to operate at:

Department of Public Safety
Gambling Control Unit
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
207/626-3900

2. To the extent, if any, that information of a material nature supplied in the application or otherwise supplied by the applicant becomes outdated, inaccurate or incomplete, the applicant shall so notify the unit in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the timeliness, inaccuracy or incompleteness of the information.
3. The Director shall approve the application based on the criteria outlined in 17 M.R.S. §1832.
4. Electronic video machines shall not be shipped into, within or out of Maine without first obtaining a written authorization for such transport from the Director. Written authorization shall be obtained from application(s) furnished by the Unit.
5. Each electronic video machine prior to being placed in operation in Maine shall have a registration decal approved by the Director, with a registration control number placed thereon, affixed to the machine. The placement of the decal represents that the machine has been registered, inspected, and approved for operation in Maine. Only authorized Unit staff may affix a registration decal. Once a registration decal has been affixed, no person other than authorized Unit staff may remove a registration decal. No video machine may be transported out of the State, within the State or in order to be destroyed until authorized Unit personnel have removed the decal containing the machine's registration control number.

§3

Conduct of Games of Chance

1. In addition to any information required by statute, games of chance shall:
 - a) Not be conducted with any gambling equipment unless said equipment is owned absolutely.
 - b) Not be conducted while permitting any disorderly or visibly intoxicated person to enter or remain within the room or area where any Games of Chance are being offered.

- c) Not be conducted unless some responsible person at least 18 years of age, exercises exclusive control of each game played.
- d) Conspicuously post the Games of Chance license or registration in an area near the entrance to a licensed or registered location in which the game is being conducted.
- e) Make available to participants a copy of the Laws, Rules of Title 17, Chapter 62 and the rules of play in the room or area where a licensed or registered Game of Chance is being conducted.
- f) Ensure that any location or room where Games of Chance are being conducted shall be sufficiently lighted at all times during the conduct of the game for public safety.
- g) Ensure that all prizes shall be designated, announced, posted or indicated to the players prior to the start of each game.
- h) Ensure at the conclusion of each Game of Chance, winners will be determined and the prize(s) awarded. No prize or any values derived from a previous prize shall be credited toward a greater prize.
- i) Ensure that when more than one player is found to be the winner in the same game, the designated prize shall be divided as equally as possible.
- j) Ensure that all members of an organization who are involved in the conduct of Games of Chance shall be thoroughly familiar with the provisions of Title 17, Chapter 62, pertaining to Games of Chance and these Rules.
- k) Comply with the following advertising standards:
 - 1) Advertising of any obscene or indecent nature is prohibited.
 - 2) False, misleading and deceptive advertising is prohibited.
 - 3) Depictions of the use of alcohol and tobacco are prohibited.
 - 4) Depictions of persons under the age of 18 engaged in games of chance are prohibited.
 - 5) Guarantees of success, riches or games of chance winnings are prohibited.
 - 6) Advertising must include a disclaimer as follows: "Persons under 18 years of age are prohibited unless authorized under 17 M.R.S. §1835-A (4)."
 - 7) Advertising must comply with all applicable Maine and federal laws.
- l) Post or provide at each entrance or in a conspicuous place where Games of Chance are conducted, written materials concerning the nature and symptoms of problem gambling and the Maine 211 number or cost free brochures from Department of Health and Human Services, Maine Center for Disease Control and Prevention that provide information and referral services for problem gamblers. The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.
- m) Be conducted in a building or area approved for public use by state and local officials, including the State Fire Marshal's Office.

§4 Sealed Tickets

1. Registrants must meet the requirements of an eligible organization under 17 M.R.S. §1832 (2).
2. Each Lucky Seven or similar sealed ticket game shall contain no more than twelve thousand individual tickets or cards, none of which are attached in any way to any other ticket or card.
3. Every Lucky Seven or similar sealed ticket game shall be assigned a unique serial number per game by the manufacturer that shall be plainly visible to the contestants, participants, or other interested persons.
4. No Lucky Seven or similar sealed ticket game shall be conducted or operated in which the operator or registrant knows or can identify any winning ticket or card that has not been opened by the contestant or participant.
5. Lucky Seven or similar sealed ticket games shall:
 - A. Offer all the tickets or cards per game for sale,
 - B. Not mix or add any tickets or cards from one Lucky Seven or similar sealed ticket game together with the tickets or cards to another Lucky Seven or similar sealed ticket game.
 - C. Not change the original odds in any manner,
 - D. Display the placard associated with the serial number game,
 - E. Not participate as a player or contestant in that game,
 - F. Elect to post whether prizes have been awarded or not in that game immediately following the award of the prize and shall include all prizes for that game, and
 - G. Not deceive a participant or contestant by misrepresenting in any way that a prize has been or has not been awarded.

§5 Game promotions

1. **Criteria:** A game promotion is not a game of chance if:
 - a. No entry fee, payment, donation, or proof of purchase is required as a condition of entering to win or becoming eligible to receive a prize;
 - b. The game promotion is occasional and of limited duration;
 - c. During periods when a game promotion is not being conducted, the products or services promoted are offered for sale to the public and the purchase price of these products or services has not been increased to correspond with the period during which the game promotion is being conducted; and
 - d. A demand for the products or services exists independent of the demand for the game promotion and the chance to win its prize.

2. **License or Registration required:** Any game promotion that satisfies the criteria listed in subsection A is not a game of chance, which must be licensed or registered and conducted in accordance with Title 17, Chapters 13-A or 62 of the *Maine Revised Statutes*.
3. **Sanctions:** Any operator who conducts an unlicensed game of chance may be subject to the penalties set forth in Title 17, Chapters 13-A and 62 and Title 17-A, Chapter 39 of the *Maine Revised Statutes*.
4. **Limitation:** Nothing in this section is meant to limit any game, contest, advertising scheme or plan, device, or promotion that is authorized by Maine law.

§ 6 Reports and Records Required

1. Within (10) business days after any period in which a licensed game of chance is conducted by a Licensee, the Licensee shall file with the Gambling Control Unit a disposition of funds form prescribed and furnished by the Gambling Control Unit, even if the event is canceled, which shall include:
 - a. An exact account of all income from the licensed Game of Chance;
 - b. A list of all expenses, including, but not limited to, the cost of all prizes, printing, licenses and administration;
 - c. An exact account of the disposition of all proceeds from the licensed Game of Chance, including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever; and
 - d. Every such statement shall be made under oath by an officer of the organization in charge of such occasion.
2. All records of financial transactions involving Games of Chance shall be separate and distinguishable from all other financial records of the organization.
3. Each licensee /registrant shall maintain and keep for a period of (3) years following the date a game of chance was held such books and records.
4. The Director or his authorized representative may examine the books and records of any licensee or registrant at any time, so far as those books and records relate to the transactions connected with the holding, operating and conduct of Games of Chance, and the licensee or registrant shall cooperate with the Director or his representative by making such books and records available to them. The Gambling Control Unit may also examine any manager, officers, director, agent, member or employee of the licensee or registrant in relation to the conduct of a game of chance, or concerning the conduct of a game of chance.

STATUTORY AUTHORITY: 17 M.R.S. Chapter 62, Section 1843

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READOPTED:

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